

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-20 remain in this application as amended herein, and claims 21-22 are added. Accordingly, claims 1-22 are submitted for the Examiner's reconsideration.

In the Office Action, the Examiner indicated that the Information Disclosure Statement (IDS) filed on January 17, 2008 was not considered because Applicants did not submit any translations of the cited art. Submitted with the present Amendment is an IDS resubmitting these references together with an English-language translation of the Abstract of each reference.

The specification was objected to because of informalities and has been amended to correct same. Support for these changes is found, e.g., at page 22, lines 18-25 of the specification. No new matter has been added by these amendments.

The specification has been further amended to better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

Claims 4-10, 14-18, and 20 were objected to because of informalities. Claims 4-10, 14-18, and 20 have been amended to correct same.

Claims 4, 6, 7, 13, 15, 19, and 20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 4, 6, 7, 13, 15, 19, and 20 have been amended to correct the informalities. Applicants therefore submit that claims 4, 6, 7, 13, 15, 19, and 20 are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Claims 2, 12, 19, and 20 were rejected under 35 U.S.C. § 101. Claims 2, 12, 19, and 20 have been amended to more clearly show that the claims cover statutory subject matter. Therefore, Applicants submit that claims 2, 12, 19, and

20 are in full compliance with the requirements of 35 U.S.C. § 101.

Turning now to the art rejections, claims 1-16, 19, and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nishioka (U.S. Patent No. 6,240,517). Applicants submit that the claims are patentably distinguishable over the relied on sections of Nishioka.

Independent claims 1, 3, 11-13, and 19-20 have each been amended to more clearly define the features of the invention. For example, amended claim 1 recites:

encrypting the first random value at the device to be authenticated using a first encryption process and the first authentication use data;

...

decrypting the encrypted first random value at the authenticating device using the first encryption process and the second authentication use data to obtain the first random value;

encrypting the first random value at the authenticating device using a second encryption process and the second authentication use data to generate a further encrypted value;

providing the further encrypted value from the authenticating device to the device to be authenticated;

decrypting the further encrypted value at the device to be authenticated using the second encryption process and the first authentication use data;

comparing the decrypted further encrypted value with the first random value at the device to be authenticated[.]

(Emphasis added.) The relied on sections of Nishioka neither disclose nor suggest these features.

Rather, such sections of Nishioka describe that a telephone set transmits a random number, message rate information, a card unique number, and an authenticator to a switching unit and that the switching unit generates an authenticator from the message rate information, card unique number, and random number sent from the telephone set. (See col.11 11.55-64.) The relied on sections of Nishioka do not

teach that the switching unit decrypts an encrypted value received from the telephone set.

Moreover, such sections of Nishioka describe that a card inserted in the telephone set generates an authenticator from the random number, the secret key, card unique number, and message rate information using the authenticator generation function stored in its memory and that the switching unit generates an authenticator from the random number, the secret key, card unique number, and message rate information using the authenticator generation function stored in its memory. Namely, the card and the switching unit each generate an authenticator from the random number, the secret key, card unique number, and message rate information. (See col.11 ll.47-52 and 60-64.) The relied on sections of Nishioka do not teach that the card generates an authenticator using first authentication use data and that the switching unit generates an authenticator using second authentication use data.

Additionally, the relied on sections of Nishioka describe that the switching unit compares the authenticator generated by the switching unit with the authenticator sent via the telephone set. (See col.11 ll.64-67.) Such sections of Nishioka do not teach that the switching unit provides the authenticator generated by the switching unit to the telephone set, such sections of Nishioka do not teach that the telephone set decrypts an encrypted value received from the switching unit, and such sections of Nishioka do not teach that the telephone set compares a decrypted value with a random number (generated by the telephone set).

It follows, for at least the above reasons, that the relied on sections of Nishioka do not disclose or suggest the combination defined in claim 1 and therefore do not anticipate the claim.

Independent claims 3, 11-13, and 19-20 have each been amended to call for features similar to those set out in the above excerpt of claim 1. Each of these claims is therefore patentably distinguishable over the relied on sections of Nishioka for at least the reasons set out above regarding claim 1.

Claims 4-10 depend from claim 3, and claims 14-16 depend from claim 13. Therefore, each of these claims is distinguishable over the relied on sections of Nishioka at least for the same reasons as its parent claim.

Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishioka in view of Boerbert (U.S. Patent No. 5,272,754). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Claims 17 and 18 depend from claim 13. Therefore, each of the claims is distinguishable over the relied-on sections of Nishioka for at least the same reasons.

The relied-on sections of Boerbert do not overcome the deficiencies of the relied-on sections of Nishioka.

Accordingly, Applicants respectfully request the withdrawal of the Examiner's objections and the withdrawal of the rejections under 35 U.S.C. §§ 101, 102(b), 103(a), and 112, second paragraph.

New claim 21 depends from claim 1, and new claim 22 depends from claim 2. Therefore, each of these claims is distinguishable over the relied on art for at least the same reason as its parent claim. Support for these claims is found, e.g., in Figs. 21-22 and on pages 40-45 of the Specification.

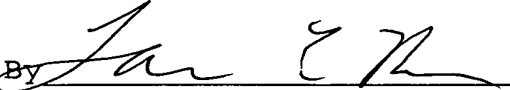
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such

action can be taken at this time, it is respectfully requested that in connection with the above-identified patent application telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which in connection with the above-identified patent application might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 29, 2008

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

Attorney for Applicant

897832_1.DOC